

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JAVIER CHAVEZ LOPEZ,)
)
Petitioner,)
) 1:05CV528
v.) 1:03CR388-1
)
UNITED STATES OF AMERICA,)
)
Respondent.)

J-U-D-G-M-E-N-T

On October 21, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. 636(b). No objections were received by the court within the time prescribed by the statute.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED AND ADJUDGED that Petitioner's motion to vacate, set aside or correct sentence [Pleading No. 3] be **DENIED** and that this action be, and is hereby, dismissed with prejudice. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the day of April 10, 2006

/s/ N. Carlton Tilley, Jr.
United States District Judge